

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

CHURCH OF SCIENTOLOGY OF)
CALIFORNIA and MARY SUE) Case No. B038975
HUBBARD,)
Appellants,) LASC No. C420153
v.)
GERALD ARMSTRONG,) DEFENDANT'S PETITION
Defendant,) FOR PERMISSION TO FILE
BENT CORYDON,) RESPONSE AND FOR TIME
Appellee.) TO FILE

I am the defendant Gerald Armstrong. I am petitioning this court at this time for permission to file a respondent's brief in this appeal and for time in which to file such a brief or other responsive document.

1. Permission to File:

The unusual need for this court's permission to file a respondent's brief arises from a condition contained in a document entitled MUTUAL RELEASE OF ALL CLAIMS AND SETTLEMENT AGREEMENT signed by me December 6, 1986, a copy of which is attached hereto as Exhibit A. I have no objection to this document being unsealed.

Para. 4B of the settlement agreement states in part that I waive "any rights [I] may have to oppose (by responding brief or any other means) any further appeals taken by the Church of Scientology." I have recently become

convinced that it is a fraud upon the court to not advise it that the defendant, who has an interest in the outcome of this appeal, is prohibited from filing a respondent's brief or other responsive document. I am also now convinced that my right to file a responsive document to protect my rights is not something that can be taken away by such a settlement agreement.

I am therefore requesting this court's permission to file a respondent's brief or other responsive document.

2. Extension of Time to File:

I received the Reply Brief of Appellants and Response to Cross Appeal from the law firm of Flynn, Sheridan & Tabb on January 30, 1990. The Flynn firm has not been able to locate and may never have received any of the other briefs filed in this appeal.

I am not an attorney and I am not represented by legal counsel in any Scientology matters at this time. Neither Flynn, Sheridan & Tabb nor Contos & Bunch, both of which firms represented me throughout the litigation of this case in the lower court, will be representing me in this appeal. It is my intention to retain an attorney to represent me in this appeal if at all possible.

Appellants have also filed in Division Three of the Second Appellate District an appeal, Civ. No. B025920, from the decision of the trial court in the same case, Super. Ct. No. C420153, from which this appeal arises. I have at this time petitioned the Division Three Court for permission to respond in that appeal.

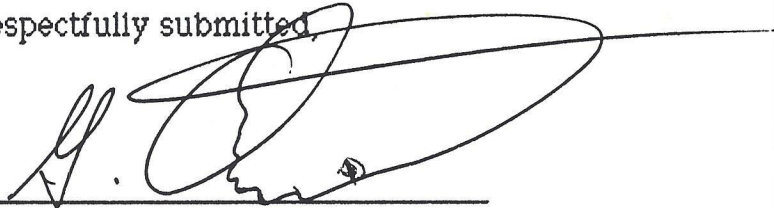
There remain a number of issues springing from the settlement agreement, appellants' actions in violation of the agreement, and appellants' obstructive and threatening use of the agreement which this court does not

have to consider in order to grant my permission, but which I will be addressing as soon as possible by motion or other appropriate action in the Los Angeles Superior Court, which retains, pursuant to clause 20 of the settlement agreement, jurisdiction to enforce its terms.

I therefore request 60 days from the date of this court's granting of this petition in which to file a respondent's brief or other responsive document.

DATED: February 21, 1990

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Gerald Armstrong', written over a horizontal line. The signature is stylized and somewhat cursive.

GERALD ARMSTRONG

Gerald Armstrong
6838 Charing Cross Road
Berkeley, CA 94705
(415) 849-0929

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6838 Charing Cross Road, Berkeley, CA 94705.

On February 21, 1990 I caused to be served the foregoing document described as DEFENDANT'S PETITION FOR PERMISSION TO FILE RESPONSE AND FOR TIME TO FILE on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Oakland, California, addressed to the persons and addresses specified on the service list attached.

Executed on February 21, 1990 at Oakland, California.

B. Sparks

SERVICE LIST

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SECOND APPELLATE DISTRICT
DIVISION FOUR
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